

# Wetlands Bureau Decision Report

Decisions Taken  
11/07/2011 to 11/13/2011

## **DISCLAIMER:**

This document is published for information purposes only and does not constitute an authorization to conduct work. Work in jurisdiction may not commence until the applicant has received a posting permit.

Decisions are subject to appeal, and are reviewed by the federal agencies for compliance with Section 404 of the Federal Clean Water Act.

## **APPEAL:**

I. Any affected party may ask for reconsideration of a permit decision in accordance with RSA 482-A:10,II within 30 days of the Department's issuance of a decision. Requests for reconsideration should:

- 1) describe in detail each ground for complaint. Only grounds set forth in the request for reconsideration can be considered at subsequent levels of appeal;
- 2) provide new evidence or information to support the requested action;
- 3) Parties other than the applicant, the town, or contiguous abutters must explain why they believe they are affected; and
- 4) Be mailed to the DES Wetlands Bureau, PO Box 95, Concord, NH 03302-0095.

II. An appeal of a decision of the department after reconsideration may be filed with the Wetlands Council in accordance with RSA 482-A:10, IV within 30 days of the department's decision. Filing of the appeal must:

- 1) be made by certified mail to George "Chip" Kimball, Chairperson, Wetlands Council, PO Box 95, Concord, NH 03302-0095 (a copy should also be sent to the DES Wetlands Bureau);
- 2) contain a detailed description of the land involved in the department's decision; and
- 3) set forth every ground upon which it is claimed that the department's decision is unlawful or unreasonable.

## MAJOR IMPACT PROJECT

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### **2011-02722                      GORHAM, TOWN OF GORHAM   Peabody River**

#### Requested Action:

Proposal to dredge and fill 3,380 sq. ft. (includes 1,975 sq. ft. of temporary impacts) of bed and bank of Peabody River to stabilize the river bank and bed and protect adjacent property "Libby Field" from damage caused by Tropical Storm Irene. Work includes a combination of stone armoring and bioengineering techniques along approximately 270 linear feet of river bank and bed.

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#### APPROVE PERMIT:

Dredge and fill 3,380 sq. ft. (includes 1,975 sq. ft. of temporary impacts) of bed and bank of Peabody River to stabilize the river bank and bed and protect adjacent property "Libby Field" from damage caused by Tropical Storm Irene. Work includes a combination of stone armoring and bioengineering techniques along approximately 270 linear feet of river bank and bed.

#### With Conditions:

1. All work shall be in accordance with plans by HEB Engineers Inc., dated October 21, 2010, as received by the NH Department of Environmental Services (DES) on October 26, 2011.
2. The permittee shall designate a professional engineer who will be responsible for monitoring and ensuring that the areas are constructed in accordance with the plan.
3. A post-construction report documenting the status of the completed project with photographs shall be submitted to the Wetlands Bureau within 60 days of the completion of construction.
4. The permittee shall notify DES in writing of their intention to commence construction.
5. The permittee shall monitor the weather and will not commence work within flowing water, including the installation of cofferdams, when rain is in the forecast.
6. Cofferdams shall not be installed during periods of high flow, whether due to seasonal runoff or precipitation. Once a cofferdam is fully effective, confined work can proceed without restriction.
7. Prior to commencing work on a substructure located within surface waters, a cofferdam shall be constructed to isolate the substructure work area from the surface waters.
8. Temporary cofferdams shall be entirely removed immediately following construction.
9. Appropriate siltation, erosion controls, turbidity, and sedimentation controls shall be utilized.
10. All in-stream work shall be conducted in a manner that minimizes the duration of construction in the watercourse.
11. Extreme precautions shall be taken within riparian areas to limit unnecessary removal of vegetation.
12. Work shall be conducted in a manner so as to minimize turbidity and sedimentation.
13. Construction equipment shall be inspected daily for leaking fuel, oil and hydraulic fluid prior to entering surface waters or wetlands. Faulty equipment shall be repaired prior to entering jurisdictional areas.
14. The contractor shall have appropriate oil spill kits on site and readily accessible at all times during construction and each operator shall be trained in its use.
15. All refueling of equipment shall occur outside of surface waters or wetlands during construction.
16. Within three days of final grading in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
17. Where construction activities have been temporarily suspended within the growing season, all exposed soil areas shall be stabilized within 14 days by seeding and mulching.
18. Where construction activities have been temporarily suspended outside the growing season, all exposed areas shall be stabilized within 14 days by mulching and tack. Slopes steeper than 3:1 shall be stabilized by matting and pinning.
19. The contractor responsible for completion of the work shall utilize techniques described in the New Hampshire Stormwater Manual, Volume 3, Erosion and Sediment Controls During Construction (December 2008).
20. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau will require a new application and further permitting by the Bureau.
21. All activities shall be in accordance with the Shoreland Water Quality Protection Act, RSA 483-B. The owner is responsible for obtaining any Shoreland Permit that may be required per RSA 483-B, for construction, excavation or fill that will occur within the

Protected Shoreland.

With Findings:

1. This is a major impact project per Administrative Rule Env-Wt 303.02(i) Projects that alter the course of or disturb 200 or more linear feet of an intermittent or perennial nontidal stream or river channel or its banks.
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.
5. The work is needed to address damages resulting from Tropical Storm Irene and to protect the river and adjacent property.
6. The approved design includes a combination of stone armoring and bioengineering river stabilization techniques.
7. This project does not require compensatory mitigation in accordance with Administrative Rule Env-Wt 302.03(c)(2).
8. DES has not received any comments in opposition to the project.
9. The Conservation Commission commented that they found the project acceptable.
10. The applicant has provided a waiver request per Env-Wt 204.03, to waive the delineation of wetland boundaries as required per Env-Wt 301.01 (g).
11. There will be no adverse effect to the environment or natural resources of the state, public health, or public safety; or on abutting properties that is more significant than that which would result from complying with the Env-Wt 301.01.
12. The waiver is granted in accordance with Env-Wt 204.04(b), as strict compliance with the rule will provide no benefit to the public and will cause an operational or economic hardship to the applicant.
13. In accordance with RSA 428-A:8, DES finds that the requirements for a public hearing do not apply as the permitted project is not of substantial public interest, and will not have a significant impact on or adversely affect the values of the riverine resource, as identified under RSA 482-A:1.

**2011-02723                      BURKE, LORI/MICHAEL**  
**GORHAM   Peabody River**

Requested Action:

Proposal to dredge and fill approximately 4,629 sq. ft. (includes 1,379 sq. ft. of temporary impacts) of bed and bank of Peabody River to reconstruct/construct an approximately 400 linear foot berm and associated river bank and bed stabilization to protect adjacent properties "White Birch Lane (South)" from damage caused by Tropical Storm Irene. Work includes a combination of stone armoring and bioengineering techniques along approximately 400 linear feet of river bank and bed.

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APPROVE PERMIT:

Dredge and fill approximately 4,655 sq. ft. (includes 1,315 sq. ft. of temporary impacts) of bed and bank of Peabody River to reconstruct/construct an approximately 400 linear foot berm and associated river bank and bed stabilization to protect adjacent properties "White Birch Lane (South)" from damage caused by Tropical Storm Irene. Work includes a combination of stone armoring and bioengineering techniques along approximately 400 linear feet of river bank and bed.

With Conditions:

1. All work shall be in accordance with plans by HEB Engineers Inc., dated October 21, 2010, as received by the NH Department of Environmental Services (DES) on October 26, 2011 and revised plan sheet C1.11 dated November 4, 2011, as received by DES on November 4, 2011.
2. The permittee shall designate a professional engineer who will be responsible for monitoring and ensuring that the areas are constructed in accordance with the plan.
3. A post-construction report documenting the status of the completed project with photographs shall be submitted to the Wetlands Bureau within 60 days of the completion of construction.
4. The permittee shall notify DES in writing of their intention to commence construction.
5. The permittee shall monitor the weather and will not commence work within flowing water, including the installation of

cofferdams, when rain is in the forecast.

6. Cofferdams shall not be installed during periods of high flow, whether due to seasonal runoff or precipitation. Once a cofferdam is fully effective, confined work can proceed without restriction.
7. Prior to commencing work on a substructure located within surface waters, a cofferdam shall be constructed to isolate the substructure work area from the surface waters.
8. Temporary cofferdams shall be entirely removed immediately following construction.
9. Appropriate siltation, erosion controls, turbidity, and sedimentation controls shall be utilized.
10. All in-stream work shall be conducted in a manner that minimizes the duration of construction in the watercourse.
11. Extreme precautions shall be taken within riparian areas to limit unnecessary removal of vegetation.
12. Work shall be conducted in a manner so as to minimize turbidity and sedimentation.
13. Construction equipment shall be inspected daily for leaking fuel, oil and hydraulic fluid prior to entering surface waters or wetlands. Faulty equipment shall be repaired prior to entering jurisdictional areas.
14. The contractor shall have appropriate oil spill kits on site and readily accessible at all times during construction and each operator shall be trained in its use.
15. All refueling of equipment shall occur outside of surface waters or wetlands during construction.
16. Within three days of final grading in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
17. Where construction activities have been temporarily suspended within the growing season, all exposed soil areas shall be stabilized within 14 days by seeding and mulching.
18. Where construction activities have been temporarily suspended outside the growing season, all exposed areas shall be stabilized within 14 days by mulching and tack. Slopes steeper than 3:1 shall be stabilized by matting and pinning.
19. The contractor responsible for completion of the work shall utilize techniques described in the New Hampshire Stormwater Manual, Volume 3, Erosion and Sediment Controls During Construction (December 2008).
20. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau will require a new application and further permitting by the Bureau.
21. All activities shall be in accordance with the Shoreland Water Quality Protection Act, RSA 483-B. The owner is responsible for obtaining any Shoreland Permit that may be required per RSA 483-B, for construction, excavation or fill that will occur within the Protected Shoreland.

With Findings:

1. This is a major impact project per Administrative Rule Env-Wt 303.02(i) Projects that alter the course of or disturb 200 or more linear feet of an intermittent or perennial nontidal stream or river channel or its banks.
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.
5. The work is needed to address damages resulting from Tropical Storm Irene and to protect the river and adjacent property.
6. The approved design includes a combination of stone armoring and bioengineering river stabilization techniques.
7. This project does not require compensatory mitigation in accordance with Administrative Rule Env-Wt 302.03(c)(2).
8. DES has not received any comments in opposition to the project.
9. The Conservation Commission commented that they found the project acceptable.
10. The applicant has provided a waiver request per Env-Wt 204.03, to waive the delineation of wetland boundaries as required per Env-Wt 301.01 (g).
11. There will be no adverse effect to the environment or natural resources of the state, public health, or public safety; or on abutting properties that is more significant than that which would result from complying with the Env-Wt 301.01.
12. The waiver is granted in accordance with Env-Wt 204.04(b), as strict compliance with the rule will provide no benefit to the public and will cause an operational or economic hardship to the applicant.
13. In accordance with RSA 428-A:8, DES finds that the requirements for a public hearing do not apply as the permitted project is not of substantial public interest, and will not have a significant impact on or adversely affect the values of the riverine resource, as identified under RSA 482-A:1.

## MINOR IMPACT PROJECT

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**2011-00167                      GOVERNORS ISLAND CLUB INC**  
**GILFORD   Lake Winnepesaukee**

### Requested Action:

Applicant requests reconsideration of the Department's decision to deny the applicant's request to remove 74 linear feet of rock armor previously placed on the bank within 487 sq ft, regrade the area to match existing adjacent contours property having approximately 880 ft of frontage along Lake Winnepesaukee, in Gilford.

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### Conservation Commission/Staff Comments:

Con Com submitted comments requesting letter from owner giving permission to agent to act on behalf of owner, and information about company hired to do work

### APPROVE RECONSIDERATION:

Reconsider and approve applicant's request to: Remove 74 linear feet of rock armor previously placed on the bank within 487 sq ft, regrade the area to match existing adjacent contours on property having approximately 880 ft of frontage along Lake Winnepesaukee, in Gilford.

### With Conditions:

1. All work shall be in accordance with overview plans by Bryan Bailey Associates revision dated June 30, 2004, as received by the NH Department of Environmental Services (DES) on October 13, 2011, and detail plans as received on January 20, 2011.
2. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
3. This permit does not allow dredging of the lakebed for any purpose.
4. No material other than rocks previously placed may be removed from the work area.
5. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
6. No new sand or any other fill may be added to the impact area. Only existing material may be used to regrade the impact area.
7. All activities shall be in accordance with the Shoreland Water Quality Protection Act, RSA 483-B. The owner is responsible for obtaining any Shoreland Permit that may be required per RSA 483-B, for construction, excavation or fill that will occur within the Protected Shoreland.

### With Findings:

1. This is a minor impact project per Administrative Rule Env-Wt 303.03(k), project that impact 50 to 200 linear feet along the shoreline of a lake.
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.

**2011-00319                      KRAMER, JILL/STEPHEN**  
**MEREDITH   Lake Winnepesaukee**

### Requested Action:

Applicant requests that permit be amended to allow the reconfiguration of the boathouse.

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### Conservation Commission/Staff Comments:

No Con Com comments by March 02, 2011

**APPROVE AMENDMENT:**

Amend permit to read: Reconfigure an existing boathouse and associated crib docks to be a 15 ft 1 in x 29 ft 6 in boathouse with a 2 ft 6 in x 29 ft 6 in dock on the westerly side and a 47 ft x 8 ft 6 in dock on the easterly side on an average of 189 ft of frontage on Lake Winnepesaukee, in Meredith.

**With Conditions:**

1. All work shall be in accordance with plans by Ambrose Marine Construction as revised November 4, 2011, as received by the NH Department of Environmental Services (DES) on November 4, 2011.
2. This permit shall not be effective until it has been recorded with the county Registry of Deeds Office by the Permittee. A copy of the recorded permit shall be submitted to the DES Wetlands Bureau, by certified mail, return receipt requested, prior to construction.
3. This permit to replace or repair existing structures shall not preclude the DES from taking any enforcement action or revocation action if the DES later determines that the structures represented as "existing" were not previously permitted or grandfathered.
4. All construction related debris shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
5. Appropriate siltation, erosion, and turbidity controls shall be in place prior to construction, maintained during construction, and shall remain until the area is stabilized.
6. Work authorized shall be carried out such that discharges in spawning or nursery areas during spawning seasons shall be avoided, and impacts to such areas shall be avoided or minimized to the maximum extent practicable during all times of the year.
7. Work shall be carried out in a time and manner such that disturbance to migratory waterfowl breeding areas and spawning areas shall be avoided.
8. All activities shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B. The owner is responsible for obtaining any Shoreland Permit that may be required per RSA 483-B, for construction, excavation or fill that will occur within the Protected Shoreland.

**With Findings:**

1. This is a minor impact project per Administrative Rule Env-Wt 303.03(d), alteration of a 4 slip docking facility.
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.
5. The proposed docking facility will provide the same number of slips as defined per RSA 482-A:2, as the pre-existing docking facility.
6. The proposed modifications to the docking facility will decrease the area of construction surface area of the lake and increase the setback of the structure to the westerly property line on which it had previously encroached.

**2011-01520                      MCGRAIL, DANIEL**  
**STRATHAM   Unnamed Wetland**

**Requested Action:**

Retain 6,545 square feet of fill and a foundation for a barn within a palustrine wet meadow and restore 7,352 square feet of wet meadow.

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**Conservation Commission/Staff Comments:**

See findings.

Inspection Date: 08/12/2011 by Eben M Lewis

**APPROVE AFTER THE FACT:**

Retain 6,545 square feet of fill and a foundation for a barn within a palustrine wet meadow and restore 7,352 square feet of wet meadow.

With Conditions:

1. All work shall be in accordance with the 'Proposed Wetlands Impact Plan' (Sheet C2) by Emanuel Engineering, Inc., revised through October 13, 2011, as received by the NH Department of Environmental Services (DES) on October 18, 2011.
2. Any future work on this property that is within the jurisdiction of the DES Wetlands Bureau as specified in RSA 482-A will require a new application and approval by the Bureau.
3. The approval is contingent upon the restoration of 7,532 square feet of wet meadow.

With Findings:

1. On January 9, 2007, a building permit for a barn on the property had been approved by the Town of Stratham. Shortly thereafter construction began. After the foundation had been poured, the Town of Stratham Building Inspector requested the owners to stop construction until they retain a NH Certified Wetland Scientist ("CWS") to determine whether or not the foundation and associated work was within jurisdictional wetlands.
2. The property had been delineated as a jurisdictional wetland on April 15, 2011 by a CWS.
3. DES received a Standard Dredge and Fill Application on June 27, 2011 requesting to retain 9,412 square feet of impact for the foundation and fill and proposed to restore 4,423 square feet of impact.
4. On August 1, 2011, DES received correspondence from the Town of Stratham Conservation Commission dated July 28, 2011. "The [Stratham Conservation] Commission recommends approval of the DES Dredge and Fill permit."
5. On August 12, 2011, DES personnel inspected the property with the agent, Sandpiper Environmental Services, LLC ("SEC"). The inspection confirmed the boundary of the wetland delineation as proposed, suggested removing as much fill as practicable, striking the buffer area and striking the stormwater management.
6. On August 16, 2011, DES sent a Request for More Information ("RFMI") via email to SEC and the owner in accordance with RSA 482-A:3,XIV(b). The RFMI, in summary, requested striking the planting buffer and proposed stormwater management from the proposed plan.
7. On October 13, 2011, DES received a response to the RFMI from SEC. The response satisfied the requests of the RFMI. Additionally, the revised plan reflected revised square footages for impact retention and restoration: 6,545 square feet and 7,352 square feet, respectively.
8. This is a minor impact project per Administrative Rule Env-Wt 303.03(h) Projects involving less than 20,000 square feet of alteration in the aggregate in nontidal wetlands, nontidal surface waters, or banks adjacent to nontidal surface waters which exceed the criteria of Env-Wt 303.04(f).
9. Removal of the foundation and associated fill is an economic burden for the owner; therefore, the need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
10. The requested amount of retained fill has been reduced by 2,867 square feet and the restored area has increased an additional 2,929 square feet. The impacts will be restored to the furthest extent practicable and allow functionality of the proposed barn; therefore; the applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
11. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.
12. A memo dated 5/9/2011 from the NH Natural Heritage Bureau ("NHB") states, "We [NHB] have no recorded occurrences for sensitive species near this project area.
13. No comments on the project were received from federal agencies.
14. DES did not received any written correspondence from any abutter or affected party speaking for or against the project.

**2011-01541 NH DEPT OF TRANSPORTATION**  
**HOLDERNESS Unnamed Stream Owl Brook**

Requested Action:

Amend permit to reduce the temporary impact area and increase the permanent impact area by the same amount (73 sq. ft.)

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Conservation Commission/Staff Comments:

Cons. Comm. - no comments

Inspection Date: 08/24/2011 by Gino E Infascelli

**APPROVE AMENDMENT:**

**AMENDMENT:**

Temporary scour protection will be replaced with a concrete toe wall under the eastern undermined abutment and partially grouted riprap will be placed upstream and downstream impacting 1,879 sq. ft. (347 sq. ft. temporary) of riverine wetlands. NHDOT project #99043Z.

**With Conditions:**

1. All work shall be in accordance with plans by NHDOT Bureau of Bridge Maintenance dated 5/2011, as received by the Department on Oct. 21, 2011
2. Dredged material shall be placed out of the DES Wetlands Bureau jurisdiction.
3. Unconfined work within the stream, exclusive of work associated with installation of a cofferdam, shall be done during periods of low flow.
4. Cofferdams shall not be installed during periods of high flow, whether due to seasonal runoff or precipitation. Once a cofferdam is fully effective, confined work can proceed without restriction.
5. Prior to commencing work on a substructure located within surface waters, a cofferdam shall be constructed to isolate the substructure work area from the surface waters.
6. Temporary cofferdams shall be entirely removed immediately following construction.
7. Construction equipment shall not be located within surface waters.
8. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; and c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of 20 feet of undisturbed vegetated buffer.
9. Appropriate turbidity controls shall be installed prior to construction, shall be maintained during construction such that no turbidity escapes the immediate dredge area, and shall remain until suspended particles have settled and the water at the work site has returned to normal clarity.
10. Within three days of the last activity in an area, all exposed soil areas, where construction activities are complete, shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack on slopes steeper than 3:1 or netting /matting and pinning on slopes steeper than 2:1.
11. Where construction activities have been temporarily suspended within the growing season, all exposed soil areas shall be stabilized within 14 days by seeding and mulching or if temporarily suspended outside the growing season, all exposed areas shall be stabilized within 14 days by mulching, mulching with tack on slopes steeper than 3:1 and stabilized by matting and pinning on slopes steeper than 2:1.
12. The contractor responsible for completion of the work shall utilize techniques described in the New Hampshire Stormwater Manual, Volume 3, Erosion and Sediment Controls During Construction (December 2008).
13. Extreme precautions to be taken within riparian areas to limit unnecessary removal of vegetation during road construction and areas cleared of vegetation to be revegetated as quickly as possible.
14. There shall be no further alteration to wetlands or surface waters without amendment of this permit.
15. Standard precautions shall be taken to prevent import or transport of soil or seed stock from nuisance, invading species such as purple loosestrife or Phragmites.
16. The impacts associated with the temporary work shall be restored immediately following construction.
17. Invasive species found on site shall be identified, flagged and handled in accordance with the BEST MANAGEMENT PRACTICES FOR ROADSIDE INVASIVE PLANTS - 2008 manual by the New Hampshire Department of Transportation.
18. Partially grouted rip rap shall be minimized to the extent possible.

**2011-01631                      DOHERTY, MICHAEL/LUCIA**  
**NEW DURHAM   Merrymeeting Lake**

**Requested Action:**

Replace 105 linear feet of existing retaining wall with 105 linear feet of rip rap on an average of 120 ft of frontage on Merrymeeting Lake, in New Durham.

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**Conservation Commission/Staff Comments:**



No comments by Con Com by Aug 25, 2011

**APPROVE PERMIT:**

Replace 105 linear feet of existing retaining wall with 105 linear feet of rip rap on an average of 120 ft of frontage on Merrymeeting Lake, in New Durham.

**With Conditions:**

1. All work shall be in accordance with plans by Jones and Beach Engineers revision dated October 19, 2011, as received by the NH Department of Environmental Services (DES) on October 20, 2011.
2. No work is authorized to the existing 7 ft x 18 ft dock accessed by a 4 ft x 11 ft dock in a "L" shaped configuration supported by a full crib.
3. This permit shall not preclude DES from taking any enforcement or revocation action if DES later determines that any of the structures depicted as "existing" on the plans submitted by the applicant were not previously permitted or grandfathered.
4. Work shall be done during drawdown.
5. Dredged material from the wall shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
6. This permit does not allow dredging of the lakebed for any purpose.
7. Repair shall maintain existing size, location and configuration.
8. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and shall remain until the area is stabilized.
9. Work shall be conducted in a manner so as to minimize turbidity and sedimentation to surface waters and wetlands.
10. Work shall be conducted in a manner that avoids discharges of sediments to fish spawning areas.
11. Rip-rap shall be located landward of the shoreline at the normal high water, where practical, and shall not extend more than 2 feet lakeward of that line at any point.
12. All activities shall be in accordance with the Shoreland Water Quality Protection Act, RSA 483-B. The owner is responsible for obtaining any Shoreland Permit that may be required per RSA 483-B, for construction, excavation or fill that will occur within the Protected Shoreland.

**With Findings:**

1. This is a minor impact project per Administrative Rule Env-Wt 303.03(k), projects that disturb between 50 and 200 linear feet of shoreline along a lake.
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.

**2011-02012                      TOWN OF MILAN**  
**MILAN   Upper Ammonoosuc River**

**Requested Action:**

Dredge approximately 938 square feet along 100 linear feet within the bed and bank of the Upper Ammonoosuc River to include the removal of several pieces of concrete abutment and road bed fill within the floodplain of the river associated with a bridge that had been previously removed to eliminate the constriction trapping ice in the area and minimize flooding to residents upstream.

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**Conservation Commission/Staff Comments:**

See findings.

**APPROVE PERMIT:**

Dredge approximately 938 square feet along 100 linear feet within the bed and bank of the Upper Ammonoosuc River to include the removal of several pieces of concrete abutment and road bed fill within the floodplain of the river associated with a bridge that had been previously removed to eliminate the constriction trapping ice in the area and minimize flooding to residents upstream.

With Conditions:

1. All work shall be in accordance with plans by George Pozzuto dated 10/20/2011, as received by the NH Department of Environmental Services (DES) on October 20, 2011.
2. Any future work on this property that is within the jurisdiction of the DES Wetlands Bureau as specified in RSA 482-A will require a new application and approval by the Bureau.
3. Work shall be done during seasonal low flow conditions.
4. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
5. Construction equipment shall be inspected daily for leaking fuel, oil and hydraulic fluid prior to entering surface waters or wetlands.
6. Faulty equipment shall be repaired prior to entering jurisdictional areas.
7. The contractor shall have appropriate oil spill kits on site and readily accessible at all times during construction and each operator shall be trained in its use.
8. All refueling of equipment shall occur outside of surface waters or wetlands.
9. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
10. The depth of the area of excavation shall be at a consistent grade with the existing bed of the river.
11. Appropriately sized stone shall be used to stabilize the river bank following the completion of work.
12. Within three days of final grading or temporary suspension of work, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
13. A brief summary of the work performed, including, but not limited to, photographic documentation of the completed work shall be submitted to DES no later than 60-days following the completion of work.

With Findings:

1. This is a minor impact project per Administrative Rule Env-Wt 303.03(l) Projects that alter the course of or disturb less than 200 linear feet of an intermittent or perennial nontidal stream or river channel or its banks and do not meet the criteria for minimum impact under Env-Wt 303.04(n).
2. A bridge had been removed from Spruceville Road over 20-years ago. The bridge abutments and associated road bed fill remained within the floodplain of the river following the removal of the bridge. By doing so, this created a constriction of ice flows and exacerbated flooding to residents upstream. Therefore, the need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.
5. No comments were received from the Town of Milan Conservation Commission.
6. No federal agencies commented on the application.
7. A memo dated 8/25/2011 from the NH Natural Heritage Bureau states, "We currently have no recorded occurrence for sensitive species near this project area."
8. The Town of Milan received funding for the project from the Federal Emergency Management Agency as a hazard mitigation project.
9. DES's Fluvial Geomorphologist commented on the project and, in summary, endorses the proposed work.

**2011-02072                      NH DEPT OF TRANSPORTATION**  
**NEW HAMPTON   Unnamed Stream**

Requested Action:

Widen road to provide a turning lane adding 60 ft. to a 15 in. culvert impacting 2,692 sq. ft. of palustrine and riverine wetlands.

\*\*\*\*\*

Conservation Commission/Staff Comments:

Cons. Comm. - no comments

**APPROVE PERMIT:**

Widen road to provide a turning lane adding 60 ft. to a 15 in. culvert impacting 2,692 sq. ft. of palustrine and riverine wetlands. NHDOT project 13876.

**With Conditions:**

1. All work shall be in accordance with plans by NHDOT Bureau of Highway Design and McFarland Johnson dated 18-AUG-2011 as received by the Department on Aug. 26, 2011.
2. Any dredged material shall be placed out of the DES Wetlands Bureau jurisdiction.
3. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and shall remain until the area is stabilized.
4. Construction equipment shall not be located within surface waters.
5. Within three days of the last activity in an area, all exposed soil areas, where construction activities are complete, shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack on slopes steeper than 3:1 or netting /matting and pinning on slopes steeper than 2:1.
6. Where construction activities have been temporarily suspended within the growing season, all exposed soil areas shall be stabilized within 14 days by seeding and mulching or if temporarily suspended outside the growing season, all exposed areas shall be stabilized within 14 days by mulching, mulching with tack on slopes steeper than 3:1 and stabilized by matting and pinning on slopes steeper than 2:1.
7. The contractor responsible for completion of the work shall utilize techniques described in the New Hampshire Stormwater Manual, Volume 3, Erosion and Sediment Controls During Construction (December 2008).
8. Extreme precautions to be taken within riparian areas to limit unnecessary removal of vegetation during road construction and areas cleared of vegetation to be revegetated as quickly as possible.
9. There shall be no further alteration to wetlands or surface waters without amendment of this permit.
10. Proper headwalls shall be constructed within seven days of culvert installation.
11. Work shall be done during low flow.

**With Findings:**

1. This is a minor impact project per Administrative Rule Env-Wt 303.03(I), alteration of less than 200 linear feet of stream.
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.
5. Although there was a Natural Heritage Bureau record in the area they have determined it will not be impacted.
6. The project was discussed at the January 19, 2011 monthly Natural Resource Agency meeting.

**2011-02419                      GARBARINO, WILLIAM/CAROL**  
**ORFORD   Connecticut River**

**Requested Action:**

Dredge and fill approximately 1,435 square feet (85 linear feet) of the Connecticut River for riprap and vegetative bank stabilization.

\*\*\*\*\*

**APPROVE PERMIT:**

Dredge and fill approximately 1,435 square feet (85 linear feet) of the Connecticut River for riprap and vegetative bank stabilization.

**With Conditions:**

1. All work shall be in accordance with plans by Advanced Geomatics & Design, dated September 01, 2011, as received by the DES Wetlands Bureau on October 11, 2011.

2. All activity shall be in accordance with the Shoreland Water Quality Protection Act, RSA 483-B.
3. The permittee shall designate a qualified professional who will be responsible for monitoring and ensuring that the bank stabilization areas are constructed in accordance with the plan. Monitoring shall be accomplished in a timely fashion and remedial measures taken if necessary. The DES Wetlands Bureau shall be notified in writing of the designated professional prior to the start of work and if there is a change of status during the project.
4. No machinery shall enter the water.
5. All work shall be done from the top of the bank.
6. Filter fabric shall be installed under the angular rock.
7. There shall be no excavation or operation of construction equipment in flowing water.
8. Work shall be conducted in a manner so as to minimize turbidity and sedimentation to surface waters and wetlands.
9. Work shall be conducted in a manner that avoids excessive discharges of sediments to fish spawning areas.
10. Appropriate erosion and siltation controls shall be installed prior to construction, maintained during construction, and remain until the area is stabilized. Silt fencing must be removed once the area is stabilized.
11. Appropriate turbidity controls shall be installed prior to construction, shall be maintained during construction such that no turbidity escapes the immediate work area, and shall remain until suspended particles have settled and the water at the work site has returned to normal clarity.
12. The applicant shall notify DES Wetlands Bureau in writing within twenty-four (24) hours of an erosion event resulting in sediment entering a wetland or surface water.
13. Extreme precautions shall be taken within riparian areas to limit unnecessary removal of vegetation during construction and areas cleared of vegetation to be revegetated with native like species within three days of the completion of this project
14. Prior to commencing work on a substructure located within surface waters, a cofferdam or turbidity and silt barrier shall be constructed to isolate the substructure work area from the surface waters.
15. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of twenty (20) feet of undisturbed vegetated buffer.
16. Work within the stream, inclusive of work associated with installation of a cofferdam or turbidity and silt barrier, shall be done during periods of low flow. High flows can be caused by seasonal runoff or precipitation; the permittee shall monitor local forecasts to review weather conditions.
17. No work within the confined area shall proceed until the cofferdam or turbidity and silt barrier is fully effective, and water flow is controlled.
18. Temporary cofferdams or turbidity and silt barriers shall be entirely removed immediately following construction.
19. Construction equipment shall be inspected daily for leaking fuel, oil and hydraulic fluid. Faulty equipment shall be repaired prior to entering jurisdictional areas.
20. The contractor shall have appropriate oil spill kits on site and readily accessible at all times during construction and each operator shall be trained in its use.
21. All refueling of equipment shall occur outside of surface waters or wetlands during construction.
22. Excavated material shall be placed out of any area that is within the jurisdiction of the DES Wetlands Bureau.
23. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
24. Only native plant species shall be utilized to renegotiate the riverbank.
25. Native live plantings shall be installed by September 15th and dormant willows shall be planted in the spring by June 1st or in the fall by October 30th.
26. Seed mix within the restoration area shall be a wetland seed mix appropriate to the area and shall be applied in accordance with manufacturers' specifications and shall contain no reed canary grass (*Phalaris arundinacea*).
27. Mulch used within the wetland restoration areas shall be natural straw or equivalent.
28. Riverbank stabilization areas shall have at least 75% successful establishment of wetlands vegetation after two (2) growing seasons, or shall be replanted and re-established until a functional wetland is replicated in a manner satisfactory to the DES Wetlands Bureau.
29. The permittee shall attempt to control invasive, weedy species such as purple loosestrife (*Lythrum salicaria*) and common reed (*Phragmites australis*) by measures agreed upon by the DES Wetlands Bureau if the species is found in the stabilization areas during construction and during the early stages of vegetative establishment.
30. A post-construction report documenting the status of the restored jurisdictional area, including photographs during and post construction shall be submitted to the Wetlands DES within sixty (60) days of the completion of construction.

31. The permittee or a designee shall conduct a follow-up inspection after the first full growing season, to review the success of the project and schedule remedial actions if necessary. A report outlining the project status including photographs and any follow-up measures and a schedule for completing the remedial work shall be submitted by December 1 of that year.

With Findings:

1. This is a minor impact project per Administrative Rule Env-Wt 303.03(l), alteration of less than 200 linear feet of a river or its banks.
2. See related Wetlands and Non-Site Specific Permit 2011-02420.
3. The application explains that this portion of the Connecticut River is influenced by changes in water elevation as controlled by the Wilder Dam. Over the years cavities have formed in the fluctuation zone. Recent high water saturated sand and gravel material overlying the cavities. The bank collapsed when the high water receded.
4. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
5. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
6. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.

**2011-02420                      WHITACRE, HUNTLEY/LYNNE**  
**ORFORD   Connecticut River**

Requested Action:

Dredge and fill approximately 750 square feet (50 linear feet) of the Connecticut River for riprap bank stabilization.

\*\*\*\*\*

APPROVE PERMIT:

Dredge and fill approximately 750 square feet (50 linear feet) of the Connecticut River for riprap bank stabilization.

With Conditions:

1. All work shall be in accordance with plans by Natural Resource Consulting Services, dated September 12, 2011, as received by the DES Wetlands Bureau on October 13, 2011.
2. All activity shall be in accordance with the Shoreland Water Quality Protection Act, RSA 483-B.
3. The permittee shall designate a qualified professional who will be responsible for monitoring and ensuring that the bank stabilization areas are constructed in accordance with the plan. Monitoring shall be accomplished in a timely fashion and remedial measures taken if necessary. The DES Wetlands Bureau shall be notified in writing of the designated professional prior to the start of work and if there is a change of status during the project.
4. No machinery shall enter the water.
5. All work shall be done from the top of the bank.
6. Filter fabric shall be installed under the angular rock.
7. There shall be no excavation or operation of construction equipment in flowing water.
8. Work shall be conducted in a manner so as to minimize turbidity and sedimentation to surface waters and wetlands.
9. Work shall be conducted in a manner that avoids excessive discharges of sediments to fish spawning areas.
10. Appropriate erosion and siltation controls shall be installed prior to construction, maintained during construction, and remain until the area is stabilized. Silt fencing must be removed once the area is stabilized.
11. Appropriate turbidity controls shall be installed prior to construction, shall be maintained during construction such that no turbidity escapes the immediate work area, and shall remain until suspended particles have settled and the water at the work site has returned to normal clarity.
12. The applicant shall notify DES Wetlands Bureau in writing within twenty-four (24) hours of an erosion event resulting in sediment entering a wetland or surface water.
13. Extreme precautions shall be taken within riparian areas to limit unnecessary removal of vegetation during construction and areas cleared of vegetation to be revegetated with native like species within three days of the completion of this project
14. Prior to commencing work on a substructure located within surface waters, a cofferdam or turbidity and silt barrier shall be constructed to isolate the substructure work area from the surface waters.
15. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or

other acceptable sediment trapping liners; c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of twenty (20) feet of undisturbed vegetated buffer.

16. Work within the stream, inclusive of work associated with installation of a cofferdam or turbidity and silt barrier, shall be done during periods of low flow. High flows can be caused by seasonal runoff or precipitation; the permittee shall monitor local forecasts to review weather conditions.

17. No work within the confined area shall proceed until the cofferdam or turbidity and silt barrier is fully effective, and water flow is controlled.

18. Temporary cofferdams or turbidity and silt barriers shall be entirely removed immediately following construction.

19. Construction equipment shall be inspected daily for leaking fuel, oil and hydraulic fluid. Faulty equipment shall be repaired prior to entering jurisdictional areas.

20. The contractor shall have appropriate oil spill kits on site and readily accessible at all times during construction and each operator shall be trained in its use.

21. All refueling of equipment shall occur outside of surface waters or wetlands during construction.

22. Excavated material shall be placed out of any area that is within the jurisdiction of the DES Wetlands Bureau.

23. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.

24. Only native plant species shall be utilized to renegotiate the riverbank.

25. Native live plantings shall be installed by September 15th and dormant willows shall be planted in the spring by June 1st or in the fall by October 30th.

26. Seed mix within the restoration area shall be a wetland seed mix appropriate to the area and shall be applied in accordance with manufacturers' specifications and shall contain no reed canary grass (*Phalaris arundinacea*).

27. Mulch used within the wetland restoration areas shall be natural straw or equivalent.

28. Riverbank stabilization areas shall have at least 75% successful establishment of wetlands vegetation after two (2) growing seasons, or shall be replanted and re-established until a functional wetland is replicated in a manner satisfactory to the DES Wetlands Bureau.

29. The permittee shall attempt to control invasive, weedy species such as purple loosestrife (*Lythrum salicaria*) and common reed (*Phragmites australis*) by measures agreed upon by the DES Wetlands Bureau if the species is found in the stabilization areas during construction and during the early stages of vegetative establishment.

30. A post-construction report documenting the status of the restored jurisdictional area, including photographs during and post construction shall be submitted to the Wetlands DES within sixty (60) days of the completion of construction.

31. The permittee or a designee shall conduct a follow-up inspection after the first full growing season, to review the success of the project and schedule remedial actions if necessary. A report outlining the project status including photographs and any follow-up measures and a schedule for completing the remedial work shall be submitted by December 1 of that year.

#### With Findings:

1. This is a minor impact project per Administrative Rule Env-Wt 303.03(1), alteration of less than 200 linear feet of a river or its banks.

2. See related Wetlands and Non-Site Specific Permit 2011-02419.

3. The application explains that this portion of the Connecticut River is influenced by changes in water elevation as controlled by the Wilder Dam. Over the years cavities have formed in the fluctuation zone. Recent high water saturated sand and gravel material overlying the cavities. The bank collapsed when the high water receded.

4. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.

5. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.

6. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.

#### MINIMUM IMPACT PROJECT

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**2011-00990 FANNING, STUART**  
**HAMPTON Atlantic Ocean**

Requested Action:

Relocate and regrade approximately 8' by 20' of existing stone and beach sand within the previously disturbed 100-foot upland tidal buffer zone to provide safe pedestrian access and egress to and from the beach from an existing right-of-way.

\*\*\*\*\*

Conservation Commission/Staff Comments:

see findings.

APPROVE PERMIT:

Relocate and regrade approximately 8' by 20' of existing stone and beach sand within the previously disturbed 100-foot upland tidal buffer zone to provide safe pedestrian access and egress to and from the beach from an existing right-of-way.

With Conditions:

1. All work shall be in accordance with plans received by the NH Department of Environmental Services (DES) on September 9, 2011.
2. The DES Southeast Region staff and Hampton Conservation Commission shall be notified prior to the commencement of work.
2. This approval allows as needed maintenance to the area as specified on the plan.
3. All work shall be performed by hand and hand-tools only.
4. No sand or rock shall be taken from or added seaward of the highest observable tide line and inter-tidal area below the right-of-way.
5. The relocation of sand and or rock shall be done in a manner not to adversely affect direct abutters.

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(o) Projects deemed minimum impact by the department based on the degree of environmental impact.
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.
5. "The [Hampton]Conservation Commission does not oppose the granting of the wetlands permit."
6. DES did not receive any correspondence from abutters or the general public speaking for or against the proposed work.

**2011-01814 JEANNE V SANDERS REV TRUST**  
**MEREDITH Lake Winnepesaukee**

Requested Action:

Install a 6 ft x 40 ft seasonal dock, install a 6 ft x 6 ft concrete anchor pad, and construct a 889 sq ft perched beach with 6 ft wide access steps on an average of 244 ft of shoreline frontage on Lake Winnepesaukee, in Meredith.

\*\*\*\*\*

Conservation Commission/Staff Comments:

Con Com has no concerns

APPROVE PERMIT:

Install a 6 ft x 40 ft seasonal dock, install a 6 ft x 6 ft concrete anchor pad, and construct a 889 sq ft perched beach with 6 ft wide access steps on an average of 244 ft of shoreline frontage on Lake Winnepesaukee, in Meredith.

With Conditions:

1. All work shall be in accordance with plans by John St John dated October 31, 2011, as received by the NH Department of Environmental Services (DES) on November 02, 2011.
2. This permit shall not be effective until it has been recorded with the county Registry of Deeds Office by the Permittee. A copy of the recorded permit shall be submitted to the DES Wetlands Bureau by certified mail, return receipt requested, prior to installation.
3. This shall be the only structure on this water frontage and all portions of the dock shall be at least 20 ft from abutting property lines or the imaginary extension of those lines into the water.
4. The seasonal pier shall be removed from the lake for the non-boating season.
5. No portion of the pier shall extend more than 40 feet from the shoreline at full lake elevation.
6. Dredged or excavated material shall be placed outside of the DES Wetlands Bureau jurisdiction.
7. Stone placed along the beach front for the purpose of retaining sand shall be placed above and/or landward of those rocks currently located along the normal high water line (Elevation 504.32). Those rocks existing at the normal high water line shall remain otherwise undisturbed such that the natural shoreline remains identifiable.
8. The steps installed for access to the water shall be located completely landward of the normal high water line.
9. No more than 10 cu yd of sand may be used and all sand shall be located above the normal high water line.
10. This permit shall be used only once, and does not allow for annual beach replenishment.
11. The permittee shall provide appropriate diversion of surface water runoff to prevent erosion of beach area.
12. Revegetation of trees, shrubs and ground covers representing the density and species diversity of the existing stand of vegetation removed for this project shall begin at a distance no greater than 5 feet landward from the beach area.
13. Appropriate siltation, erosion, and turbidity controls shall be in place prior to construction, shall be maintained during construction, and shall remain until the area is stabilized.
14. All activities shall be in accordance with the Shoreland Water Quality Protection Act, RSA 483-B. The owner is responsible for obtaining any Shoreland Permit that may be required per RSA 483-B, for construction, excavation or fill that will occur within the Protected Shoreland.

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(a), installation of a seasonal dock.

**2011-02548                      DEFEO, STEPHEN**  
**STRAFFORD   Bow Lake**

Requested Action:

Install a 6 ft x 40 ft seasonal dock, construct a 400 sq ft perched beach with 3 ft wide access steps to the waterbody, temporarily impact 300 sq ft of poorly drained soils to install a sewer line crossing, on an average of 353 ft of shoreline frontage, Bow Lake, Strafford.

\*\*\*\*\*

Conservation Commission/Staff Comments:

No comments from Con Com by Nov 08, 2011

APPROVE PERMIT:

Install a 6 ft x 40 ft seasonal dock, construct a 400 sq ft perched beach with 3 ft wide access steps to the waterbody, temporarily impact 300 sq ft of poorly drained soils to install a sewer line crossing, on an average of 353 ft of shoreline frontage, Bow Lake, Strafford.

With Conditions:

1. All work shall be in accordance with plans by Geometres Blue Hills LLC dated September 01, 2011, as received by the NH Department of Environmental Services (DES) on October 06, 2011.
2. This permit shall not be effective until it has been recorded with the county Registry of Deeds Office by the Permittee. A copy of the recorded permit shall be submitted to the DES Wetlands Bureau by certified mail, return receipt requested, prior to installation.
3. There shall be no further alteration of wetlands for lot development, driveways, culverts, or for septic setback.
4. This shall be the only structure on this water frontage and all portions of the dock shall be at least 20 ft. from abutting property lines or the imaginary extension of those lines into the water.
5. Area shall be regraded to original contours following completion of work.



6. Seasonal pier shall be removed from the lake for the non-boating season.
7. No portion of the pier shall extend more than 40 feet from the shoreline at full lake elevation.
8. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
9. Dredged or excavated material shall be placed outside of the DES Wetlands Bureau jurisdiction.
10. Stone placed along the beach front for the purpose of retaining sand shall be placed above and/or landward of those rocks currently located along the normal high water line (Elevation 514.82). Those rocks existing at the normal high water line shall remain otherwise undisturbed such that the natural shoreline remains identifiable.
11. The steps installed for access to the water shall be located completely landward of the normal high water line.
12. No more than 10 cu. yds. of sand may be used and all sand shall be located above the normal high water line.
13. This permit shall be used only once, and does not allow for annual beach replenishment.
14. The permittee shall provide appropriate diversion of surface water runoff to prevent erosion of beach area.
15. Revegetation of trees, shrubs and ground covers representing the density and species diversity of the existing stand of vegetation removed for this project shall begin at a distance no greater than 5 feet landward from the beach area.
16. All activities shall be in accordance with the Shoreland Water Quality Protection Act, RSA 483-B. The owner is responsible for obtaining any Shoreland Permit that may be required per RSA 483-B, for construction, excavation or fill that will occur within the Protected Shoreland.

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(a), installation of a seasonal dock.
2. The temporary impacts for the installation of the sewer line were previously approved under DES Wetlands permit 2005-1139.

**FORESTRY NOTIFICATION**

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**2011-02804                      BELL, ROBERT**  
**ANDOVER   Unnamed Stream**

COMPLETE NOTIFICATION:  
Andover Tax Map 4, Lot# 894-178

**2011-02805                      BELL, LYNNE**  
**ANDOVER   Unnamed Stream**

COMPLETE NOTIFICATION:  
Andover Tax Map 5, Lot# 047-180

**2011-02813                      MIHOVAN, FRANK/PATRICIA**  
**HEBRON   Unnamed Stream**

COMPLETE NOTIFICATION:  
Hebron Tax Map 20, Lot# 12

**2011-02822                      PILLSBURY LAKE COMMISSIONER, PHIL STRICTMATTER**  
**WEBSTER   Unnamed Stream**

COMPLETE NOTIFICATION:  
Webster Tax Map 9, Lot# 9-6

**EXPEDITED MINIMUM**

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**2011-01819                      SCHMIDT, NICKY**  
**WAKEFIELD   Lovell Lake**

Requested Action:

Repair "in kind" an existing 48 linear ft of retaining wall in kind with 4 ft access stairs, repair an existing 16 ft x 8 ft permanent cantilevered dock in the bank, on Lovell Lake, Wakefield.

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Conservation Commission/Staff Comments:

Con Com signed Exp Applicaiton

APPROVE PERMIT:

Repair "in kind" an existing 48 linear ft of retaining wall in kind with 4 ft access stairs, repair an existing 16 ft x 8 ft permanent cantilevered dock in the bank, on Lovell Lake, Wakefield.

With Conditions:

1. All work shall be in accordance with plans as received by the NH Department of Environmental Services (DES) on October 14, 2011.
2. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
3. Repair shall maintain existing size, location and configuration.
4. Retaining wall shall be constructed landward of the shoreline defined by the elevation of normal high water so as not to create land in public water.
5. Work shall be done during drawdown.
6. No equipment shall operate in any areas of DES Wetlands Bureau jurisdiction.
7. All activities shall be in accordance with the Shoreland Water Quality Protection Act, RSA 483-B. The owner is responsible for obtaining any Shoreland Permit that may be required per RSA 483-B, for construction, excavation or fill that will occur within the Protected Shoreland.

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(c), repair or replacement of existing retaining walls that is performed "in the dry" during drawdown of waters, and that results in no change in height, length, location, or configuration.

**2011-02586                      CHESSIE HOLDINGS LLC**  
**STODDARD   Unnamed Wetland Man Made Drainage Ditch**

Requested Action:

Dredge and fill  $\pm$  1,616 sq. ft. of wetlands to reconstruct an existing drainage ditch.

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APPROVE PERMIT:

Dredge and fill  $\pm$  1,616 sq. ft. of wetlands to reconstruct an existing drainage ditch.

With Conditions:

1. All work shall be in accordance with plans by Christopher K. Danforth & Associates, LLC, dated September 16, 2011, as received by the Department on October 12, 2011.
2. Work shall be done during dry conditions.
3. Work shall be conducted in a manner so as to minimize turbidity and sedimentation to surface waters and wetlands.
4. Appropriate siltation/erosion controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
5. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
6. Proper headwalls shall be constructed within seven days of culvert installation.
7. The contractor responsible for completion of the work shall utilize techniques described in the New Hampshire Stormwater Manual, Volume 3, Erosion and Sediment Controls During Construction (December 2008).
8. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(f), alteration of less than 3,000 sq. ft. of wetlands.
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.

**TRAILS NOTIFICATION**

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**2011-02823                      TILLOTSON CORPORATION**  
**DIXVILLE   Unnamed Stream**

COMPLETE NOTIFICATION:  
Dixville, Map U1, Lot 99

**2011-02827                      CANTERBURY, TOWN OF**  
**CANTERBURY   Unnamed Stream**

COMPLETE NOTIFICATION:  
Canterbury Tax Map 107, Lot# 26

**2011-02834                      NH DEPT OF TRANSPORTATION**  
**BETHLEHEM   Unnamed Stream**

COMPLETE NOTIFICATION:  
Bethlehem Route 3 ROW

## PERMIT BY NOTIFICATION

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**2011-02849                      GREEN, SHIRLEY**  
**ENFIELD**

### Requested Action:

Repair or replacement of existing retaining walls that is performed "in the dry" during drawdown of waters, and that results in no change in height, length, location, or configuration.

\*\*\*\*\*

### Conservation Commission/Staff Comments:

Con Com signed PBN form

### PBN IS COMPLETE:

Repair or replacement of existing retaining walls that is performed "in the dry" during drawdown of waters, and that results in no change in height, length, location, or configuration.

### With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(c), repair or replacement of existing retaining walls that is performed "in the dry" during drawdown of waters, and that results in no change in height, length, location, or configuration.

## CSPA PERMIT

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**2011-00697                      PARISI, KYLE**  
**LACONIA   Lake Winnepesaukee**

### Requested Action:

Impact 16,843 sq ft for the purpose of constructing a new patio and re-grading associated with landscape design.

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### APPROVE AMENDMENT:

Impact 16,843 sq ft for the purpose of constructing a new patio and re-grading associated with landscape design.

AMENDMENT APPROVED: Amend shoreland impact permit all allow subtle shift of accessory structure footprint and slight increase in total impervious area.

RULE WAIVER APPROVED: Env-Wq 1405.03 (c)(1) and Env-Wq 1504.04 are waived to allow the construction of patio that does not meet the setback and size limitations.

### With Conditions:

1. All work shall be in accordance with revised plans by G2+1, LLC., dated October 27, 2011 and received by the Department of Environmental Services ("DES") on November 8, 2011.
2. No more than 17.7% of the area of the lot within the protected shoreland shall be composed of impervious surfaces unless additional approval is obtained from DES.
3. This permit is contingent upon receiving all necessary approvals from the NH DES Wetlands Bureau for proposed impacts jurisdictional under RSA 482-A.

4. The permit is contingent upon receiving all appropriate grant and right approvals.
5. The vegetation planted shall be monitored, and if necessary, replaced, to ensure 100% survival rate for a period two years following construction of the patio.
6. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
7. Erosion and siltation control measures shall be installed prior to the start of work, be maintained throughout the project, and remain in place until all disturbed surfaces are stabilized.
8. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
9. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
10. Any fill used shall be clean sand, gravel, rock, or other suitable material.
11. The contractor responsible for completion of the work shall utilize techniques described in the New Hampshire Stormwater Manual, Volume 3, Erosion and Sediment Controls During Construction (December 2008).
12. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
13. Silt fencing must be removed once the area is stabilized.
14. This permit shall not preclude the Department of Environmental Services (DES) from taking any enforcement or revocation action if the DES later determines that any of the structures depicted as "existing" on the plans submitted by the applicant were not previously permitted or grandfathered.

With Findings:

1. In accordance with Env-Wq 1413.01, the Department recognizes that strict compliance with all shoreland protection rules may not always be in the best interest of the public or the environment in every conceivable situation, and therefore, the Department has established a procedure under RSA 541-A:22, IV, to grant waivers from administrative rules to accommodate those situations where strict adherence to the rules would not be in the best interest of the public or the environment.
2. The proposed project will not have an adverse effect to the environment as the applicant has proposed significant additional plantings, including new rain gardens within the waterfront buffer within regions that are largely composed of lawn today. The proposed plantings will increase nutrient attenuation and will provide additional wildlife habitat.
3. The proposed impacts will not adversely impact abutting properties as there will be increased plantings along the shoreline that will add aesthetic value as well as increased stormwater treatment.
4. Strict compliance with this rule would provide no benefit to the public and would cause an operational and economic hardship as historically this region of the subject lot has been used for wedding ceremonies and receptions. This segment of the property is an integral component of the resort's summer business. By virtue of the existing peninsula's location, it is the location of choice when engaging in ceremonies of this nature.
5. The proposed patio will not have an adverse impact on public waters, will not adversely impact abutting properties but would indeed pose an unnecessary operational and economic hardship if not permitted to be constructed, and therefore, shoreland administrative rules Env-Wq 1405.03 and Env-Wq 1405.05 are waived.

**2011-01992**                      **JOYCE, WILLIAM**  
**GILMANTON**   **Crystal Lake**

Requested Action:

Impact 6,168 sq ft for the purpose of constructing a multi-level patio with stairwell to an existing dwelling and constructing a 279 sq ft accessory structure beyond the 20 ft setback.

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APPROVE PERMIT:

Impact 6168 sq ft for the purpose of constructing a multi-level patio with stairwell to an existing dwelling and constructing a 279 sq ft accessory structure beyond the 20 ft setback.

With Conditions:

1. All work shall be in accordance with plans by Schauer Environmental Consultants, L.L.C dated August 12, 2011 and received by the NH Department of Environmental Services (DES) on November 4, 2011.
2. Any alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau will require a new application and further permitting by the Bureau. Specifically the proposed perch beach will require a separate permit from the DES Wetlands Bureau.
3. No more than 2.49% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
4. At least 38,918 sq ft of the Natural Woodland Buffer beyond the primary building setback must remain in an unaltered state in order to comply with RSA 483-B:9, V, (b), (2).
5. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
6. Erosion and siltation control measures shall be installed prior to the start of work, be maintained throughout the project, and remain in place until all disturbed surfaces are stabilized.
7. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
8. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
9. Any fill used shall be clean sand, gravel, rock, or other suitable material.
10. This permit shall not preclude DES from taking any enforcement or revocation action if DES later determines that any of the structures depicted as "existing" on the plans submitted by the applicant were not previously permitted or grandfathered.

**2011-02751                      PARSONS, GORDON/WENDY**  
**WAKEFIELD   Lovell Lake**

Requested Action:

Impact 2,509 sq ft in order to construct an addition, septic system, and a gravel turnaround.

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APPROVE PERMIT:

Impact 2,509 sq ft in order to construct an addition, septic system, and a gravel turnaround.

With Conditions:

1. All work shall be in accordance with plans by Fernstone Associates dated October 20, 2011 and received by the NH Department of Environmental Services (DES) on October 28, 2011.
2. This permit is contingent on approval by the DES Subsurface Systems Bureau.
3. No more than 18.6% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
4. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
5. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
6. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
7. Any fill used shall be clean sand, gravel, rock, or other suitable material.
8. This permit shall not preclude DES from taking any enforcement or revocation action if DES later determines that any of the structures depicted as "existing" on the plans submitted by the applicant were not previously permitted or grandfathered.

**2011-02769                      JEANNETTE E ALBERT REV TRUST 1995, JEANNETTE ALBER**  
**DEERFIELD   Pleasant Lake**

Requested Action:

Impact 4,300 sq ft in order to replace a non-conforming house destroyed by fire with a new house that is more nearly conforming.

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APPROVE PERMIT:

Impact 4,300 sq ft in order to replace a non-conforming house destroyed by fire with a new house that is more nearly conforming.

With Conditions:

1. All work shall be in accordance with plans by Keyland Enterprises, LLC dated October 21, 2011 and received by the NH Department of Environmental Services (DES) on October 31 2011.
2. All impacts within wetlands, surface waters and their banks shall require a Wetland Permit under RSA 482-A.
3. No more than 29% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
4. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
5. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
6. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
7. Any fill used shall be clean sand, gravel, rock, or other suitable material.
8. This permit shall not preclude DES from taking any enforcement or revocation action if DES later determines that any of the structures depicted as "existing" on the plans submitted by the applicant were not previously permitted or grandfathered.

**2011-02788                      ANDERSON, THOMAS**  
**MOULTONBOROUGH   Lake Winnepesaukee**

Requested Action:

Impact 17,500 sq ft in order to replace existing 3 bedroom home with a 4 bedroom home with an attached garage, install a septic system, and reconfigure driveway.

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APPROVE PERMIT:

Impact 17,500 sq ft in order to replace existing 3 bedroom home with a 4 bedroom home with an attached garage, install a septic system, and reconfigure driveway.

With Conditions:

1. All work shall be in accordance with plans by William J. McNair dated October 15, 2011 and received by the NH Department of Environmental Services (DES) on November 1, 2011.
2. This permit is contingent on approval by the DES Subsurface Systems Bureau.
3. No more than 18.3% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
4. At least 4,503 sq ft of the Natural Woodland Buffer beyond the primary building setback must remain in an unaltered state in order to comply with RSA 483-B:9, V, (b), (2).
5. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
6. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
7. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
8. Any fill used shall be clean sand, gravel, rock, or other suitable material.
9. This permit shall not preclude DES from taking any enforcement or revocation action if DES later determines that any of the structures depicted as "existing" on the plans submitted by the applicant were not previously permitted or grandfathered.

**2011-02793                      DIETZ, ROBERT**  
**MEREDITH   Wickwas Lake**

Requested Action:

Impact 7,711 sq ft in order to construct two additions to the house, replace septic system, and modify driveway.

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APPROVE PERMIT:

Impact 7,711 sq ft in order to construct two additions to the house, replace septic system, and modify driveway.

With Conditions:

1. All work shall be in accordance with plans by DMC Surveyors dated September 26, 2011 and received by the NH Department of Environmental Services (DES) on November 1, 2011.
2. This permit is contingent on approval by the DES Subsurface Systems Bureau.
3. No more than 10% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
4. At least 5,137 sq ft of the Natural Woodland Buffer beyond the primary building setback must remain in an unaltered state in order to comply with RSA 483-B:9, V, (b), (2).
5. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
6. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
7. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
8. Any fill used shall be clean sand, gravel, rock, or other suitable material.
9. This permit shall not preclude DES from taking any enforcement or revocation action if DES later determines that any of the structures depicted as "existing" on the plans submitted by the applicant were not previously permitted or grandfathered.

**2011-02794                      HILL, DAVID**  
**TUFTONBORO   Lake Winnepesaukee**

Requested Action:

Impact 2,563 sq ft in order to construct an addition to existing four bedroom dwelling and septic system.

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APPROVE PERMIT:

Impact 2,563 sq ft in order to construct an addition to existing four bedroom dwelling and septic system.

With Conditions:

1. All work shall be in accordance with plans by Fernstone Associates dated October 15, 2011 and received by the NH Department of Environmental Services (DES) on November 1, 2011.
2. This permit is contingent on approval by the DES Subsurface Systems Bureau.
3. No more than 9% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
4. At least 18,162 sq ft of the Natural Woodland Buffer beyond the primary building setback must remain in an unaltered state in order to comply with RSA 483-B:9, V, (b), (2).
5. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
6. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
7. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or



contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.

8. Any fill used shall be clean sand, gravel, rock, or other suitable material.

9. This permit shall not preclude DES from taking any enforcement or revocation action if DES later determines that any of the structures depicted as "existing" on the plans submitted by the applicant were not previously permitted or grandfathered.